

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 23-80101-CR-CANNON

UNITED STATES OF AMERICA,

Plaintiff,

v.

**DONALD J. TRUMP,
WALTINE NAUTA, and
CARLOS DE OLIVEIRA,**

Defendants.

SECOND JOINT DISCOVERY REPORT

In accordance with the Court’s Order of November 10, 2023 (ECF No. 215), the United States of America files this discovery report. That Order contemplates a Joint Discovery Report being filed, but as the Defendants have yet to produce any discovery, the Government has prepared this Report. Counsel for the Defendants have reviewed this Report and agree that it is consistent with representations that the Government has made to the defense when producing discovery.

The Government has made eight productions of unclassified discovery. The Government described the first five of these productions in the first Joint Discovery Report, ECF No. 158, as well as its responses to the Standard Discovery Order, ECF Nos. 30, 59, 80, 92, 113, 122, 143. The Government has made three productions of unclassified discovery since the first Joint Discovery Report, ECF No. 158, as follows:

- (1) Production 6, consisting of about 1,900 pages of documents, which was provided to all Defendants on October 6, 2023. *See* ECF No. 172. The production included, *inter alia*, memorialization of recent witness statements and materials the Government had recently obtained from the National Archives and Records Administration (“NARA”).

- (2) Production 7, consisting of about 138 pages of documents, which was provided to all Defendants on October 16, 2023. *See* ECF No. 184. The documents were produced in response to an October 9, 2023 discovery letter from defendant Trump, notwithstanding the Government's belief that the production exceeded its current discovery obligations.
- (3) Production 8, consisting of about 2,000 pages of documents, which was provided to all Defendants on December 6, 2023. *See* ECF No. 235. The production included, *inter alia*, material previously produced in classified discovery that is unclassified or for which the relevant equity holder(s) have determined that the documents no longer need to be protected through classification and have declassified them.

As recounted in the first Joint Discovery Report (September 14, 2023), the Government had provided to the defense by early September five productions of unclassified discovery, totaling about 1.28 million pages, as well as all CCTV footage obtained in the Government's investigation.¹ In sum, since that time, the Government has provided to the defense three productions of unclassified discovery, totaling about 4,000 pages.

The Government has also made seven productions of classified discovery, the first of which the Government described in the first Joint Status Report, ECF No. 158. The September 13, 2023 production described therein consisted of approximately 2,600 pages. *See* ECF No. 190. The six productions of classified discovery made between September 28, 2023, and December 6, 2023, consist of approximately 3,000 pages and have been described in prior filings. *See* ECF Nos. 165 at 5-6; 173 at 5-6; 187 at 5-7; 190; 199; 204; 235.

The Government is aware of its continuing duty to disclose additional information as required by the Standing Discovery Order, Rule 16(c) of the Federal Rules of Criminal Procedure, *Brady v. Maryland*, *Giglio v. United States*, *Napue v. Illinois*, and the obligation to assure a fair trial.

¹ Mr. De Oliveira's counsel has raised periodically with the Government certain questions relating to technical issues with viewing the CCTV footage. The Government has promptly assisted with these inquiries, including by providing counsel a laptop for viewing the CCTV footage. On January 5, 2024, Mr. De Oliveira's counsel raised with the Government additional such issues, with which the Government will endeavor to assist.

Respectfully submitted,

JACK SMITH
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CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

s/ Julie A. Edelstein
Julie A. Edelstein